

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)**

CAPITAL RAIL CONSTRUCTORS,
a Joint Venture,

Plaintiff,

v.

WESTERN SURETY COMPANY,

Defendant.

WESTERN SURETY COMPANY,

Third-Party Plaintiff,

Case No. 16-cv-01345 (RWT)

v.

MIDASCO, LLC, and IMESAPI, LLC,

Third-Party Defendants.

MIDASCO, LLC,

Fourth-Party Plaintiff,

v.

CAPITAL RAIL CONSTRUCTORS, a Joint
Venture, CLARK CONSTRUCTION GROUP,
LLC, and KIEWIT INFRASTRUCTURE
SOUTH CO.,

Fourth-Party Defendants.

CAPITAL RAIL CONSTRUCTORS, a Joint
Venture,

Fourth-Party Counterclaim
Plaintiff,

v.

MIDASCO, LLC,

Fourth-Party Counterclaim
Defendant.

**PLAINTIFF'S CONSENT MOTION FOR
LEAVE TO FILE AN AMENDED COMPLAINT**

Plaintiff, Capital Rail Constructors, a Joint Venture (“CRC”), hereby moves the Court for leave to amend its Complaint, pursuant to Fed. R. Civ. P. 15(a)(2) and Local Rule 103(6), to add two new counts against, Defendant, Western Surety Company (“Western Surety”). In compliance with Local Rule 103(6), the following documents are filed simultaneously with this Consent Motion: (1) the proposed Amended Complaint (Exhibit A to this Consent Motion); and (2) the proposed Amended Complaint in which stricken material has been lined through and the new material has been underlined (Exhibit B to this Consent Motion). Pursuant to Local Rule 103(6)(b), only the newly added exhibit to the Amended Complaint (Exhibit 4) has been attached to the Amended Complaint. Plaintiff CRC has conferred with the opposing party, Defendant Western Surety, regarding the filing of an Amended Complaint, and those parties have agreed to the following:

1. Defendant Western Surety consents to Plaintiff CRC’s Consent Motion for Leave to file an Amended Complaint.

2. Defendant Western Surety shall have 14 days from the date this Consent Motion is granted to file its response to Plaintiff CRC's Amended Complaint.
3. A proposed Order granting this Consent Motion is attached hereto as Exhibit C.

WHEREFORE, Plaintiff CRC respectfully requests that the Court enter the Order (Exhibit C) granting Plaintiff CRC leave to file an Amended Complaint.

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing to the following:

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